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Subcommittee on Legislator Education

Implementing Legislator Education Strategies

July 14, 2000

Introduction:

This draft outline was prepared by Rep. Emily Swanson and reviewed by the subcommittee and the Legislative Council June 8 and 9. This version of the document updates the law school for legislators part of the document to accord with discussions held by the Montana Bar Committee through June 5, 2000 and includes updates resulting from the committee discussions. The Legislative Council endorsed further work on this project by the subcommittee. Please note that names of presenters included are suggestions only. Individuals have not necessarily been contacted about participating.

Part I. Prospective candidates and candidates

- Develop brochure: "I'm thinking about running for the legislature. What about...what will be my time commitment ... what can I expect immediately following the election ... what will it be like to live in Helena during a session ... etc.?"

Part II. New legislators orientation and education

- Phase 1. "The Basics" November 15-17, 2000
- Phase 2. "Hot Topics" First two weeks of session, 2001
- Phase 3. Member to member mentoring. Appointed at beginning of session by each caucus leadership.

Part III. Continuing education for all legislators

- Phase 1. "Law School for legislators" November 17, 2000

- Phase 2. “Advanced training in rules” First two weeks of session, 2001.
 - Protocol of how to run a good committee hearing (include broad distribution of Chairman's manual to all legislators).
 - House floor rules, when and how to use them (parla pro)
- Phase 3. “Hot topics” First two weeks of session, 2001
 - Fiscal training: fiscal notes, budget, fiscal analysis
 - Other: Coal tax, education funding, corrections, etc.
 - Receptions by departments around campus to brief legislators

NEW LEGISLATOR TRAINING: November 14-16

November 14, 2000

7:00 p.m. Reception for new legislators. Governor’s reception room, Capitol (or at a location that might include food and beverage service).

Welcome: New Governor & Dean of the Senate

Self-introductions: each person introduce themselves

November 15, 2000

8:30 a.m. Opening comments. Quick overview of training.

Emily Swanson

8:45 a.m. The Montana Legislature: Perspectives from current and former members: Senator Steve Doherty, Representative John Mercer, former Senator Fred VanValkenburg, Representative Steve Vick Moderator: Rep. Doug Mood

10:15 a.m. Break

10:30 Breakout groups: Legislator choice

- A. The Executive Branch: Legislative relations with the Governor’s Office and State agencies: Governor Marc Racicot; Peter Blouke, Director of Dept. of Commerce. Moderator: Senator Greg Jergeson (Include mention of monitoring role for interim committees)
- B. The Judicial Branch: Its role and relationships with the Legislature: Attorney General Joe Mazurek, Justice Jean Turnage. Moderator: Rep. Mark Noennig (Include mention of liaison role of Law and Justice Interim Committee.)
- C. Tribal & Local Governments: The Legislature’s role and relation to tribal governments, cities, and counties: Alec Hanson, League of Cities and Towns; Gordon Morris, Mt. Assoc. of Counties, Rep. Carol Juneau, Browning. Moderator: Rep. Toni Hagener

- D. Higher education: Montana University System and its relation to the Legislature: Regent Margie Thompson, former fiscal analyst Sandy Whitney, Senator Royal Johnson. Moderator: Sen. Greg Jergeson

Panel discussion for one hour. Presenters stay for informal discussions with legislators.

12:00 p.m. Lunch in Rotunda; Sponsor: Helena Chamber?

1:30 p.m. Nuts and Bolts (3 groups; presenters rotate)

A. New employment information

- Payroll
- Payment schedule; salary, per diem
- Benefits (health, retirement, etc.)
- Parking
- Housing

F. Facilities functions

- Sergeant-at-Arms: role, office supplies, phones, mail
- Office space
- Majority/minority offices and what they do for you

D. Ethics in government

- Sexual harassment training
- Misuse of state resources
- Conflicts of interest
- General code of ethics; ethics committee

3:15 Break

3:30 Tour and History of Capitol (in teams, as a "treasure hunt"): Senate chambers and offices, House chambers and offices, Secretary of Senate, Chief Clerk of House, Bills room, Hearings rooms, Governor's office, Legislative Services, Secretary of State, cafeteria (building maps provided)

Prizes for winning team(s): Breakfast with Governor

5:00 Adjourn

Thursday, November 16. “A Solid Foundation; The Process”

8:30 a.m. The Process: An Overview. Hal Harper, former legislator
How an idea becomes a bill.

- Meeting with constituents and lobbyists
- Drafting a bill
- Reviewing a draft bill: how to read it, who can see it.

9:15 a.m. How a Bill Becomes a Law
Mock Committee hearing: (Marilyn Miller script)

10:00 a.m. Mock Floor session

11:45 a.m. Break

11:00 Breakout sessions (Legislator Choice)

- Legislative research: what resources do legislators have? (Leanne Kurtz)
- Fiscal notes: what they mean, how to read them. Dave Lewis
- Legislative audits: what are they, why legislators need them. Jim Pellegrini

11:45 Staff Services: Bob Person, Legislative Services

12:30 Lunch

1:30 Breakout sessions (legislator choice)

- A. Leadership Powers and Duties - John Mercer, former Speaker
- B. The Role of the Caucus. Sen Mike Halligan
- C. Communicating with the Media. Erin Billings
- D. The Role of the Lobbyist. John Lahr
- E. Dealing with Constituent Requests. Dick Simpkins, former legislator

2:30 Breakout sessions Round 2 (legislator choice)

4:00 Adjourn

Friday, November 17, 2000 : “Law School for Legislators”

8:30 a.m. Welcome: Greg Petesch, Chief Legal Counsel, Legislative Services

Overview: Purpose of Law School for Legislators

Comments: What is the presumption of constitutionality and what responsibility might a legislature have to support that presumption in its deliberations?

9:15 a.m. Panel discussion: “What is the role of lawmaker/legislator in constitutional law, statute law, common law, case law, administrative law?” Karla Gray, Mt. Supreme Court; Greg Petesch, LSD.
Moderator: Senator Jon Ellingson

10:30 Break

10:45 Breakout discussions (legislators choose one)

- A. What is statutory construction? What should a legislator know about it? What is the strength of legislative intent? How is the legislative record used? (Greg Petesch, Sen. Steve Doherty, Justice Terry Treweiler)
- B. What is effective advocacy as seen by the legal profession? How can you tell between advocacy and advice? Role of the lawyer lobbyist. (Ed Bartlett, Montana Power Company, President State Bar of Montana)
- C. Tribal law-- how does it relate to state law? Terry Janis, Indian Law Resource Center
- D. Primer on Montana Constitution; 3-tier level analysis of legislation. Larry Ellison or Supreme Court Justice
- E. Judiciary-- What is the structure of the state's judicial branch? How does it check legislative and executive power? Justice William Hunt

12:00 Lunch

1:00 Attorney general opinion: AG Joe Mazurek.

What is an AG opinion? How is it applied? In what instances and through what processes could an AG opinion be obtained in relation to a legislative matter?

2:00 Breakout discussion #2 (legislators choose one)

3:15 Break

3:30 Breakout discussion #3 (legislators choose one)

4:45 Adjourn

HOT TOPICS

Beginning of '01 Session

Montana economy: Key industries and how they're faring

Revenue overview

Tax system primer

Appropriations overview

Medicaid—what is it? How does it work? How much does it cost?

Corrections—What are the state's facilities? How do city/county jails relate to the state's system? How is Montana using private facilities? How much does all this cost?

Coal tax trust fund—History. Why is it so contentious?

Fiscal training: State treasury, expenditure management, budget and appropriations process and spending authority; fiscal analysis

ADVANCED TRAINING

Committee process:

- How to Chair a committee
- How to be a good committee member
- How to use staff effectively

Legislative Council Staff Comments (Bob Person and Leanne Kurtz):

1. Current office holders are proposed as presenters. While this might make it much easier to schedule and has the advantage of having people experienced in these positions commenting, it might be viewed as the "old news".
2. In the governmental structure area, it seems like there should be sessions on Education and Tribal Government. Higher education, in particular, is sort of a "fourth branch" of state government.
3. In the "Process" area, there should be more specific time given to staff services, and that should not be in an optional session. This is vital especially for new members. We should also incorporate the proposal from Fiscal Division (as presented at the Council meeting by Taryn Purdy) for fiscal training as a part of this. Another consideration might be a legislator oriented version of the legislative research seminar presented by Beth Furbush and her library colleagues usually early in the session. Many legislators have found this useful in the past.
4. On the "Hot Topics" area at the beginning of session, it will be key as to who is to present the material. Legislative staff would have a hard time breaking away. Others likely would present a position along with any information.
5. Add a discussion of the legislative interim to the agenda. Committees, interim processes, etc. The monitoring role of interim committees should also be mentioned in relation to the discussion of the executive, judicial, and educational branches of state government and tribal government.
6. Include discussion of the source and role of compacts including interstate compacts, Indian gaming compacts, water compacts, and the like along with or separate from the discussion of uniform laws and the National Conference of Commissioners on Uniform State Laws.